

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re. MICHAEL JACQUES JACOBS
f/d/b/a Michael Jacobs Photojournalism,

bankr. no. 19-12591

Debtor.

MICHAEL JACQUES JACOBS
f/d/b/a Michael Jacobs Photojournalism,

adv. no. 20-01053-j

Plaintiff,

v.

DLJ MORTGAGE CAPITAL, INC. and
SELENE FINANCE, LP, and
CS PARTICIPATION, LLC, and
U.S. BANK NATIONAL ASSOCIATION as
Trustee for the Holders of Maiden Lane Asset
Backed Securities I Trust 2008-1 Maiden Lane
2008-1 Trust, and
BANK OF NEW YORK MELLON as Trustee
for Encore Credit Receivables Trust 2005-2
Trust, and
NATIONSTAR MORTGAGE LLC d/b/a Mr.
Cooper Group, Inc. and
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC. and
DOES 1 through 20,

Defendants.

**PLAINTIFF'S (I) REQUEST FOR ENTRY OF DEFAULT AND
(II) MOTION FOR ENTRY OF JUDGEMENT BY DEFAULT**

Plaintiff Michael Jacques Jacobs (hereinafter "Plaintiff"), by counsel, and as support for
Plaintiff's (i) Request for Entry of Default and (ii) Motion for Entry of Judgement by Default,
states:

1. On September 15, 2020, Plaintiff filed a *Complaint for Damages and Declaratory Relief with Demands for Jury Trial* (doc. #1) (hereinafter "Complaint").

2. On September 25, 2020, the Defendants were duly and properly served by serving a copy of the Complaint and Summons by U.S. first class mail, postage pre-paid, at the following addresses:

DLJ Mortgage Capital Corp
Attn. Owner, Manager, or Other Operating Officer
277 Park Avenue
Front 2
New York, NY 10172

Selene Finance LP
Attn. Owner, Manager, or Other Operating Officer
120 Gibraltar Road
Suite 300
Horsham, PA 19044

Selene CS Participation LLC
Attn. Owner, Manager, or Other Operating Officer
2711 Centerville Road
Suite 400
Wilmington, DE 19808

U.S. Bankcorp Center
Attn. Owner, Manager, or Other Operating Officer
800 Nicollet Mall
Minneapolis, MN 55402-7014

Bank of New York Mellon
Attn. Owner, Manager, or Other Operating Officer
240 Greenwich Street
New York, NY 10286

Nationstar Mortgage LLC
Attn. Owner, Manager, or Other Operating Officer
2711 Centerville Road
Suite 400
Wilmington, DE 19808

MERS
Attn. Owner, Manager, or Other Operating Officer
1818 Library Street
Suite 300
Reston, VA 20190

Please see Certificate of Service filed September 25, 2020 (doc. #4).

3. Service was effective in accordance with Fed. R. Bank. P. 7004(b)(1).
4. Defendants have not appeared before the Court in this matter, nor has an Entry of Appearance or any other pleading been filed on their behalf as of this filing.
5. Pursuant to the Summons, an answer or other responsive pleading was due on or before October 29, 2020.
6. The Defendants have filed no answer or other responsive pleading and the Defendants are now in default.
7. Pursuant to Fed. R. Bankr. P. 7055, Plaintiff is entitled to an Entry of Default, substantially in the form attached hereto as Exhibit A.
8. A proposed form of Default Judgement is attached hereto as Exhibit B.

WHEREFORE, Plaintiff prays for relief, as follows:

- A. That the Clerk of the Court enter an Entry of Default.
- B. That the Court enter judgement in Plaintiff's favor and against Defendants:
 1. On the First Cause of Action, finding that EMC Mortgage Corporation is the legal holder of the subject Note.
 2. On the Second Cause of Action, finding that Defendants DLJ and Selene Finance violated 15 USC §§ 1692e(2)(A) and (10).
 3. On the Third Cause of Action, finding that DLJ Mortgage Capital, Inc., Selene Finance, LP, CS Participation, LLC, US Bank National Association, Bank of New York Mellon, Nationstar Mortgage LLC, and Mortgage Electronic Registration Systems, Inc., without good faith intentionally, knowingly, recklessly, and

fraudulently made false representations as holders of the subject Note thereby causing Defendant severe emotional distress.

4. Setting a hearing to determine damages relating to the second and third causes of action.
5. An award to Debtor of attorney fees and costs.
6. For all other just and proper relief.

Respectfully submitted,

/s/ electronically signed

James Clay Hume, JD

Attorney for Plaintiff

HUME LAW FIRM

PO Box 10627

Alameda, NM 87184

(505) 888-3606

james@hume-law-firm.com

I hereby certify that on November 3, 2020, the foregoing pleading was electronically filed with the Court via the CM/ECF System, which electronically serves all parties of record.

Further, I hereby certify that a true and correct copy of this pleading was mail by first class US Mail, postage pre-paid, on November 3, 2020, to the following:

DLJ Mortgage Capital Corp
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electronically signed
James Clay Hume, JD

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Plaintiff,

v.

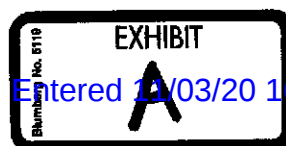
DLJ MORTGAGE CAPITAL, INC and
SELENE FINANCE, LP, and
CS PARTICIPATION, LLC, and
U.S. BANK NATIONAL ASSOCIATION as
Trustee for the Holders of Maiden Lane Asset
Backed Securities I Trust 2008-1 Maiden Lane
2008-1 Trust; and
BANK OF NEW YORK MELLON as Trustee
for Encore Credit Receivables Trust 2005-2
Trust and
NATIONSTAR MORTGAGE LLC d/b/a Mr.
Cooper Group, Inc. and
MORTGAGE ELECTRONIC REGISTRATION
SYTSTEMS, INC and
DOES 1 through 20,

Defendants.

ENTRY OF DEFAULT

IT APPEARS from the record that the following defendants failed to plead or otherwise
defend in this case as required by law.

DLJ Mortgage Capital
Selene Finance, LP
CS Participation, LLC
US Bank National Association
Bank of New York Mellon



Nationstar Mortgage LLC

Mortgage Electronic Registration Systems, Inc.

THEREFORE, default is entered against Defendants as authorized by Federal Rule of Bankruptcy Procedure 7055.

Clerk of the Bankruptcy Court

Date

By: _____
Deputy Clerk

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re. MICHAEL JACQUES JACOBS
f/d/b/a Michael Jacobs Photojournalism,

bankr. no. 19-12591

Debtor.

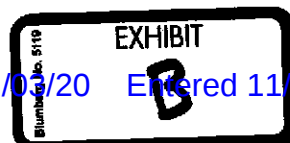
MICHAEL JACQUES JACOBS
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Cooper Group, Inc. and
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC. and
DOES 1 through 20,

Defendants.

JUDGEMENT BY DEFAULT

Default was entered against Defendants DLJ Mortgage Capital Inc., Selene Finance, LP, CS Participation, LLC, US Bank National Association, Bank of New York Mellon, Nationstar Mortgage LLC, and Mortgage Electronic Registration Systems, Inc. on _____, 2020. Therefore, on motion of the plaintiff, judgement is entered against Defendants DLJ Mortgage Capital Inc., Selene Finance, LP, CS Participation, LLC, US Bank National Association, Bank of New York Mellon, Nationstar Mortgage LLC, and Mortgage Electronic Registration Systems, Inc., in favor of Michael Jacques Jacobs (hereinafter "Plaintiff") and against Defendants as follows:

1. On the First Cause of Action, finding that EMC Mortgage Corporation is the legal holder of the subject Note.
2. On the Second Cause of Action, finding that Defendants DLJ and Selene Finance violated 15 USC §§ 1692e(2)(A) and (10).
3. On the Third Cause of Action, finding that DLJ Mortgage Capital, Inc., Selene Finance, LP, CS Participation, LLC, US Bank National Association, Bank of New York Mellon, Nationstar Mortgage LLC, and Mortgage Electronic Registration Systems, Inc., without good faith intentionally, knowingly, recklessly, and

fraudulently made false representations as holders of the subject Note thereby causing Defendant severe emotional distress.

4. Setting a hearing to determine damages relating to the second and third causes of action.
5. An award to Debtor of attorney fees and costs.

END OF ORDER

Submitted by:

/s/ electronically signed
James Clay Hume, JD
Attorney for Plaintiff
HUME LAW FIRM
PO Box 10627
Alameda, NM 87184
(505) 888-3606
james@hume-law-firm.com

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